



RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT AND SHORELINE SETBACK VARIANCE FOR THE HOAKALEI MASTER PLAN UPDATE IMPROVEMENTS PROJECT.

WHEREAS, the Department of Planning and Permitting ("DPP") on April 8, 2015, accepted an application from Haseko (Ewa) Inc., herein referred to as the "Applicant," for a Special Management Area Use Permit ("SMP") and a Shoreline Setback Variance ("SV") to construct portions of a publicly accessible pathway which will encircle the existing lagoon and include multi-use spaces with covered pavilions, viewing platforms, boardwalks, at least one comfort station, benches, picnic tables, landscaping, and interpretive signage; the construction of a retention pond or water quality lake and a lagoon overflow swale; two granite and coral boulder (vehicular) barrier walls, with various signage and landscaping in the 60-foot shoreline setback, located on land currently zoned I-3 Waterfront Industrial and P-2 General Preservation Districts, located in Honouliuli, Ewa; identified by Tax Map Keys 9-1-134:007 and a portion of 055; Reference Number 2015/SMA-12 and 2015/SV-2; and

WHEREAS, on June 2, 2015, the DPP held a public hearing which was attended by four representatives of the Applicant and 150 members of the public; public testimony was offered by 30 members of the public at the hearing; and

WHEREAS, on July 1, 2015, within 20 working days after the close of the public hearing, the DPP, having duly considered all evidence and the review guidelines as established in Sections 25-3.1 and 25-3.2, Revised Ordinances of Honolulu ("ROH"), and Sections 23-1.8 and 23-1.9, ROH, and Sections 205A-2 and 205A-26, Hawaii Revised Statutes ("HRS"), completed its report and transmitted its findings and recommendation of approval to the Council; and

WHEREAS, the City Council, having received the findings and recommendations of the DPP on July 1, 2015, and at its meeting of OCT 05 2016, having duly considered all of the findings and reports on the matter, approved the subject applications for an SMP and SV with the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that an SMP and SV be issued to the Applicant subject to the following conditions:

- A. Construction on the Ocean Pointe Hoakalei Master Plan Update ("Project") must be in general conformity as described in the Report and Recommendation by the Director of the DPP, as generally depicted on Exhibits A through K, attached hereto, except as herein modified. Any change in the size or nature of the



RESOLUTION

Project which has a significant effect on coastal resources addressed in Chapters 23 and 25, ROH and Chapter 205A, HRS, requires a new SMP and SV. Any change which does not have a significant effect on coastal resources will be considered a minor modification and therefore permitted under this resolution, upon review and approval by the Director of the DPP.

- B. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, paving, or walls) are encountered, the Applicant shall stop work and contact the State Historic Preservation Division ("SHPD") immediately. And, in such case, work in the immediate area must be stopped until SHPD is able to assess the impact and make further recommendations for mitigation.
- C. Prior to applications for development of proposed improvements, the Applicant shall update the Urban Design Plan, as was provided for in the Unilateral Agreement with conditions that was adopted by City Ordinance 93-94 approved in 1993 and codified in Ordinance 02-09 approved in 2002, to show approved plans with modifications as needed, to implement the intent of this approval. Proposed improvements must be substantially consistent with representations and approvals of this permit and as determined by the Director.
- D. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes are prohibited if the light directly illuminates or directly projects across property boundaries toward the shoreline and ocean waters or toward the sky, except as may otherwise be permitted pursuant to Section 205A-71(b), HRS.
- E. Approval of this SMP and SV does not constitute compliance with other governmental requirements. They are subject to separate review and approval. The Applicant shall be responsible for ensuring that the final plans for the Project approved under this permit comply with all applicable governmental agencies' provisions and requirements.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 16-180

RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to Jim Niermann, R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawaii 96813; Raymond Kanna, Haseko (Ewa) Inc., 91-1001 Kaimalie Street, Suite 205, Ewa Beach, Hawaii 96706-5005; George I. Atta, Director of the Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; Sam Lemmo, Administrator, Office of Conservation and Coastal Lands, Department of Land and Natural Resources, P.O. Box 621, Honolulu, Hawaii 96809; Alan Downer, Administrator, State Historic Preservation Division, Department of Land and Natural Resources, 601 Kamokila Boulevard, Room 555, Kapolei, Hawaii 96707; and Leo R. Asuncion, Jr., Acting Director of the Office of Planning (Attention: Coastal Zone Management Branch), P.O. Box 2359, Honolulu, Hawaii 96804.

INTRODUCED BY:



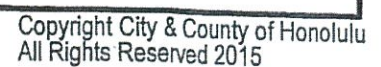
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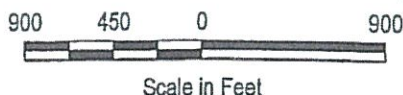
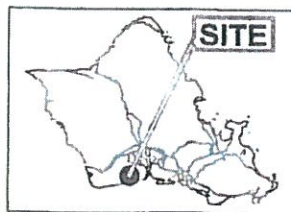
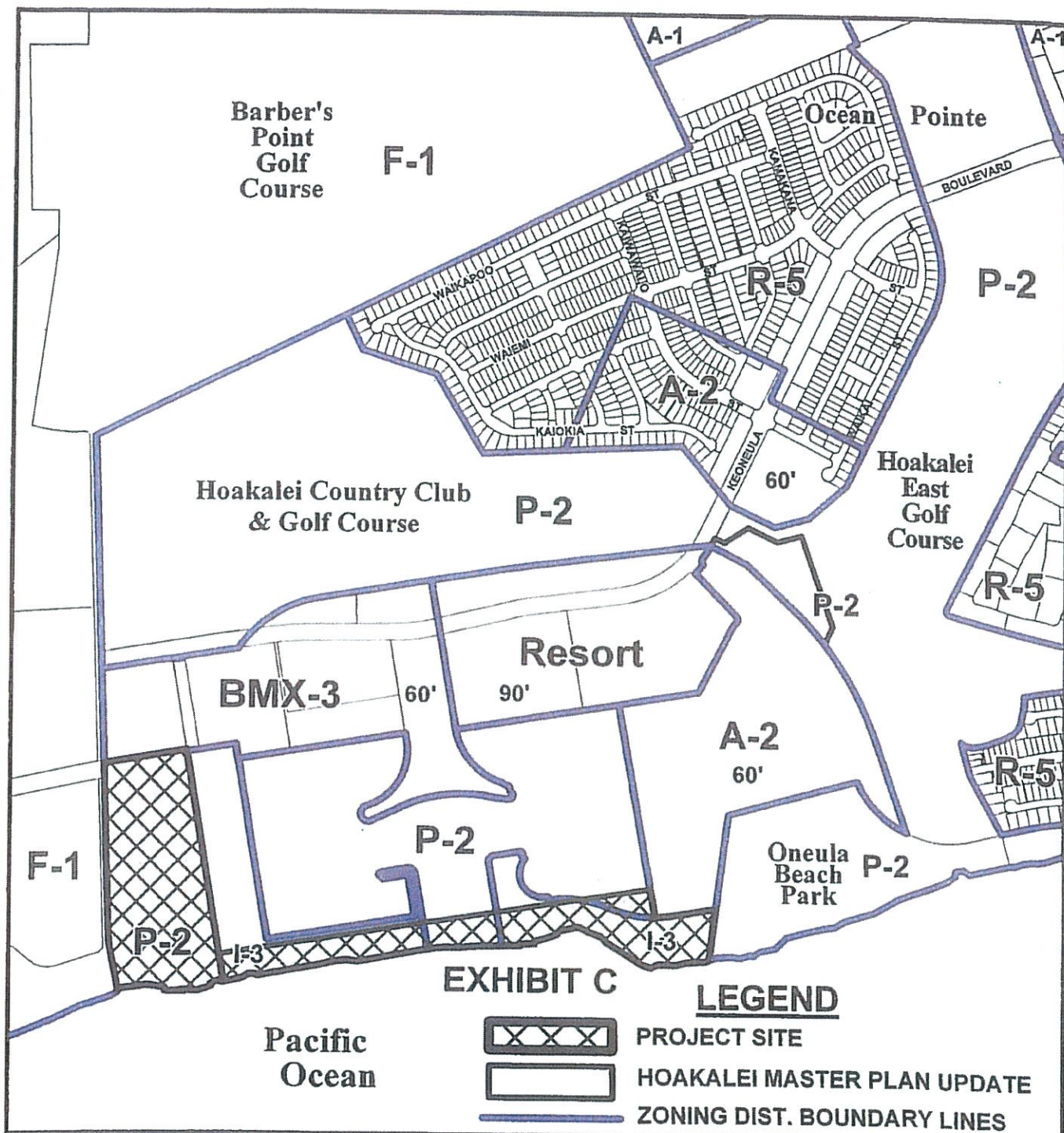
JUL 14 2016

Honolulu, Hawaii

Councilmembers

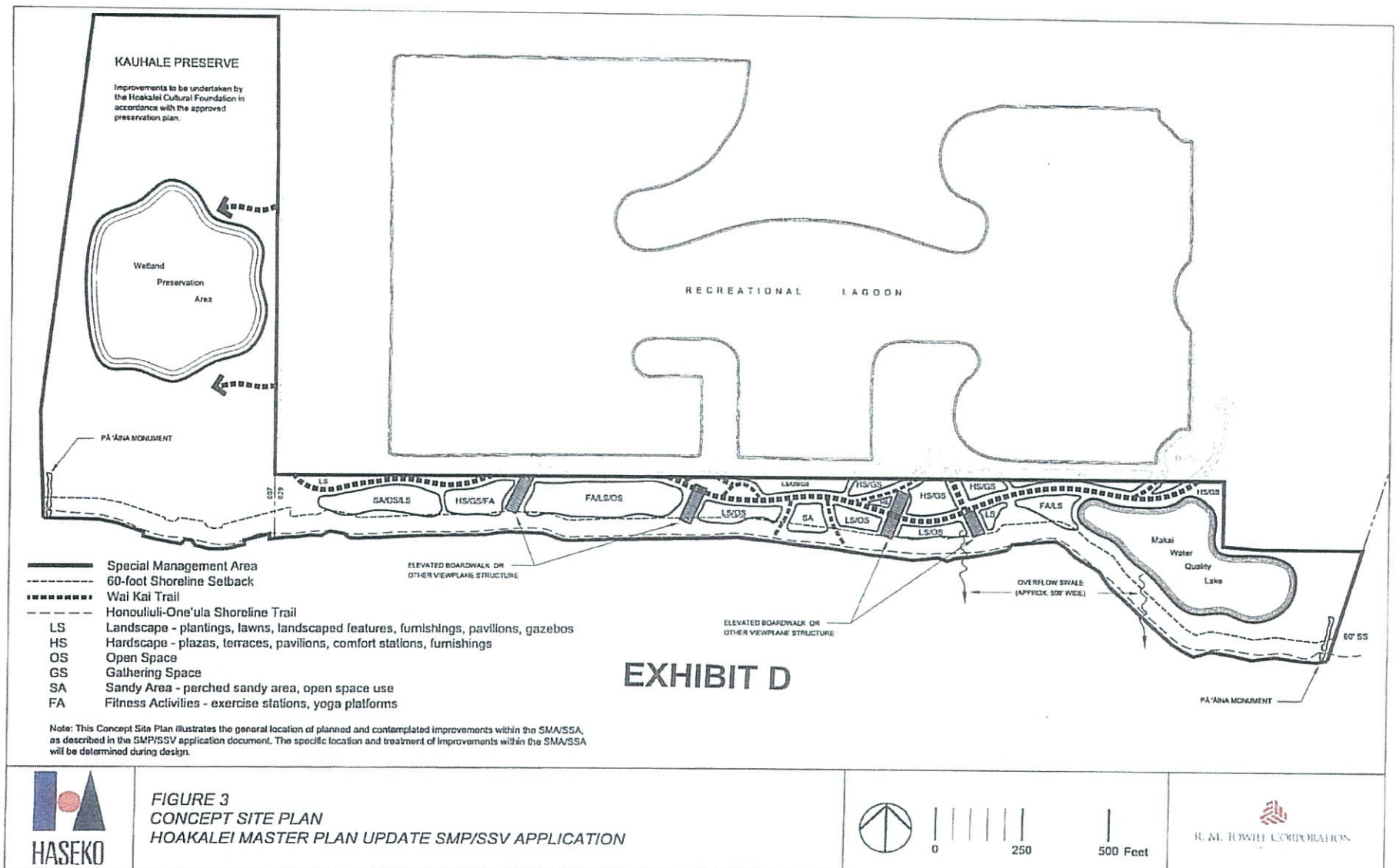
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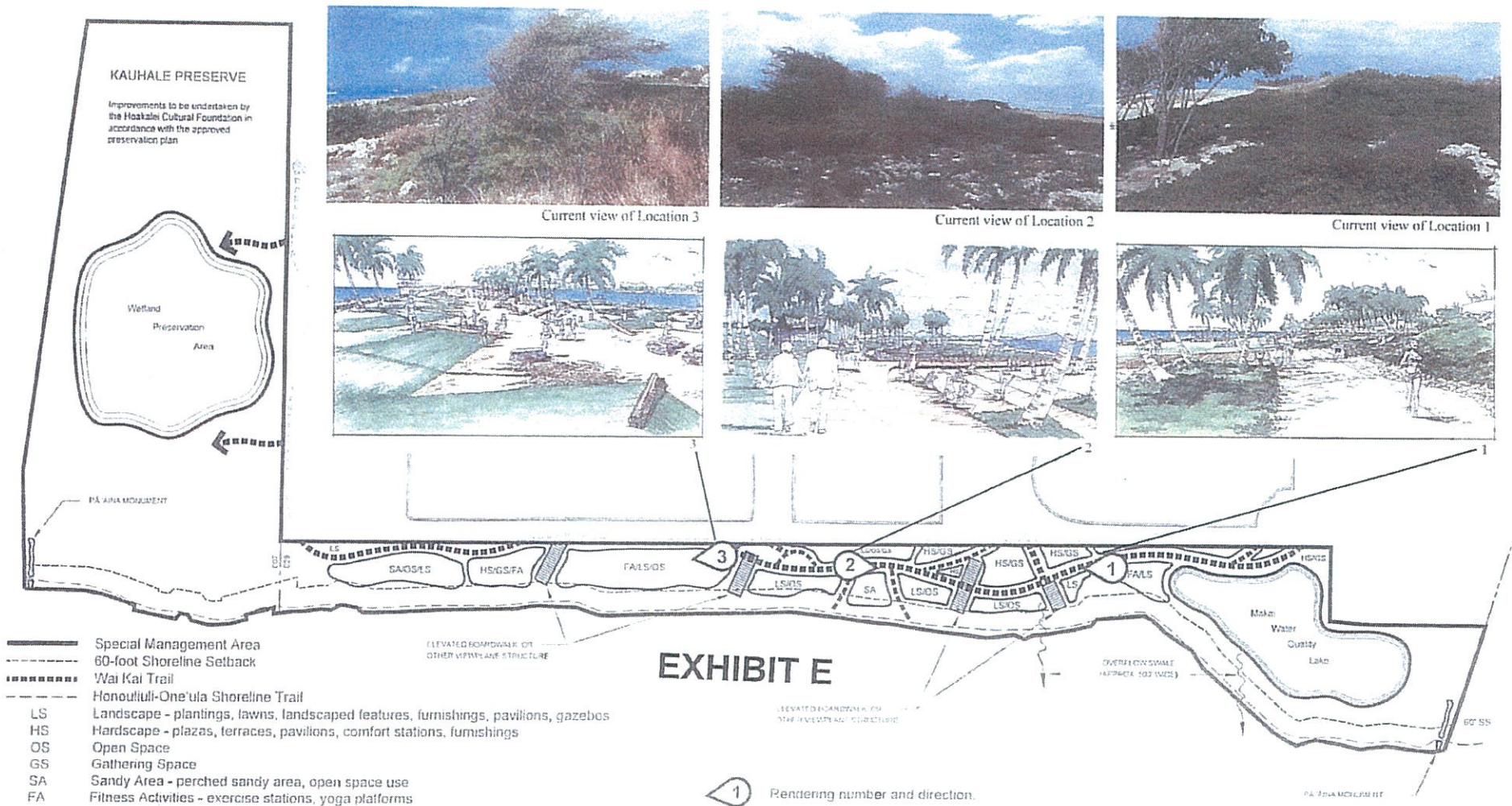
**PORTION OF
EXISTING ZONING MAP
EWA BEACH - IROQUOIS POINT**

TAX MAP KEY: 9-1-134: 7 and
Portion 55
FOLDER NOS.: 2015/SMA-12 &
2015/SV-2



FOLDER NOS.: 2015/SMA-12 & 2015/SV-2

Conceptual Shoreline Plan



Note: This Concept Site Plan illustrates the general location of planned and contemplated improvements within the SMA/SSA as described in the SMP/SSV application document. The specific location and treatment of improvements within the SMA/SSA will be determined during design.

FOLDER NOS.: 2015/SMA-12 & 2015/SV-2

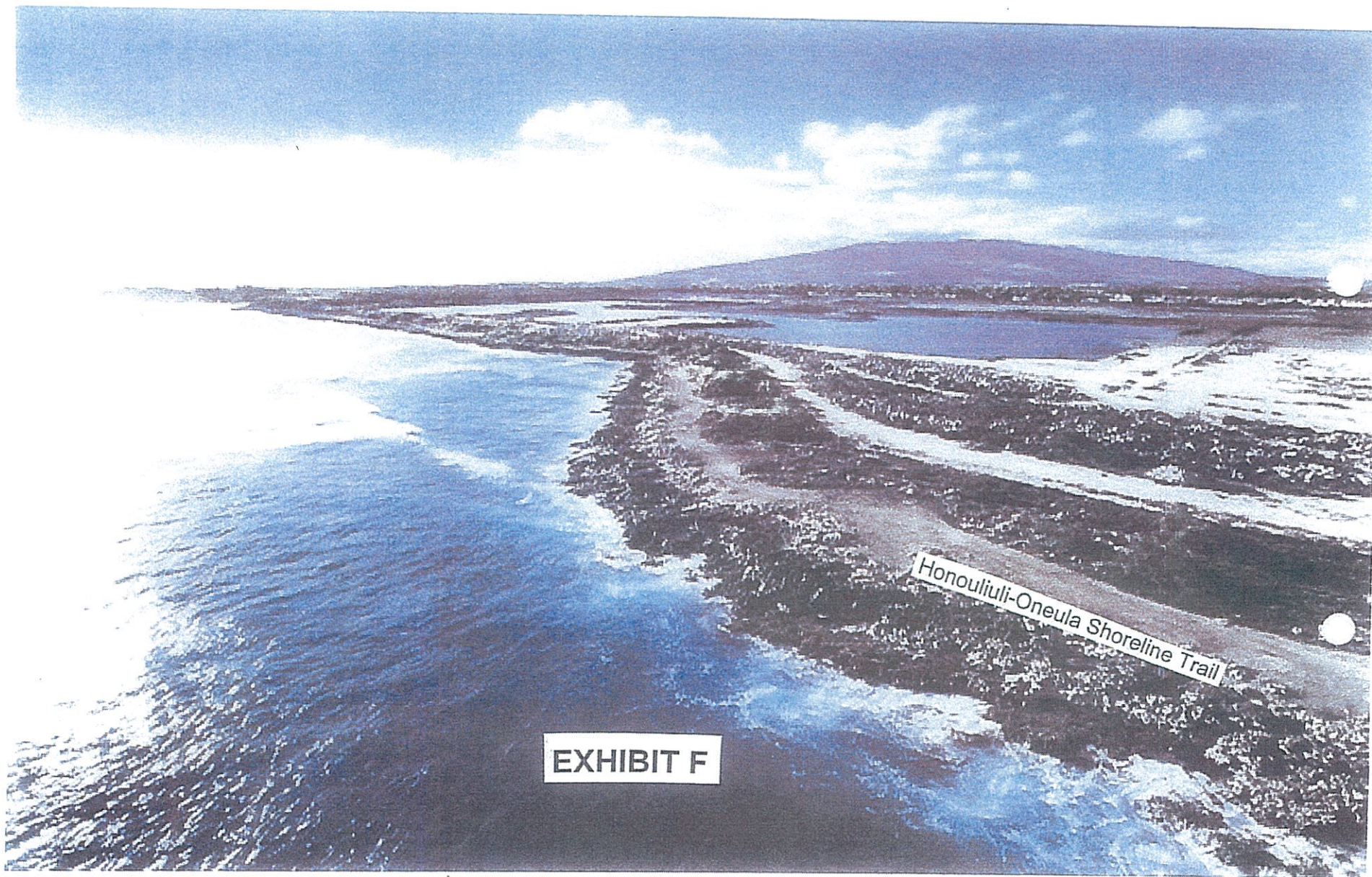


EXHIBIT F

FOLDER NOS.: 2015/SMA-12 & 2015/SV-2



EXHIBIT G

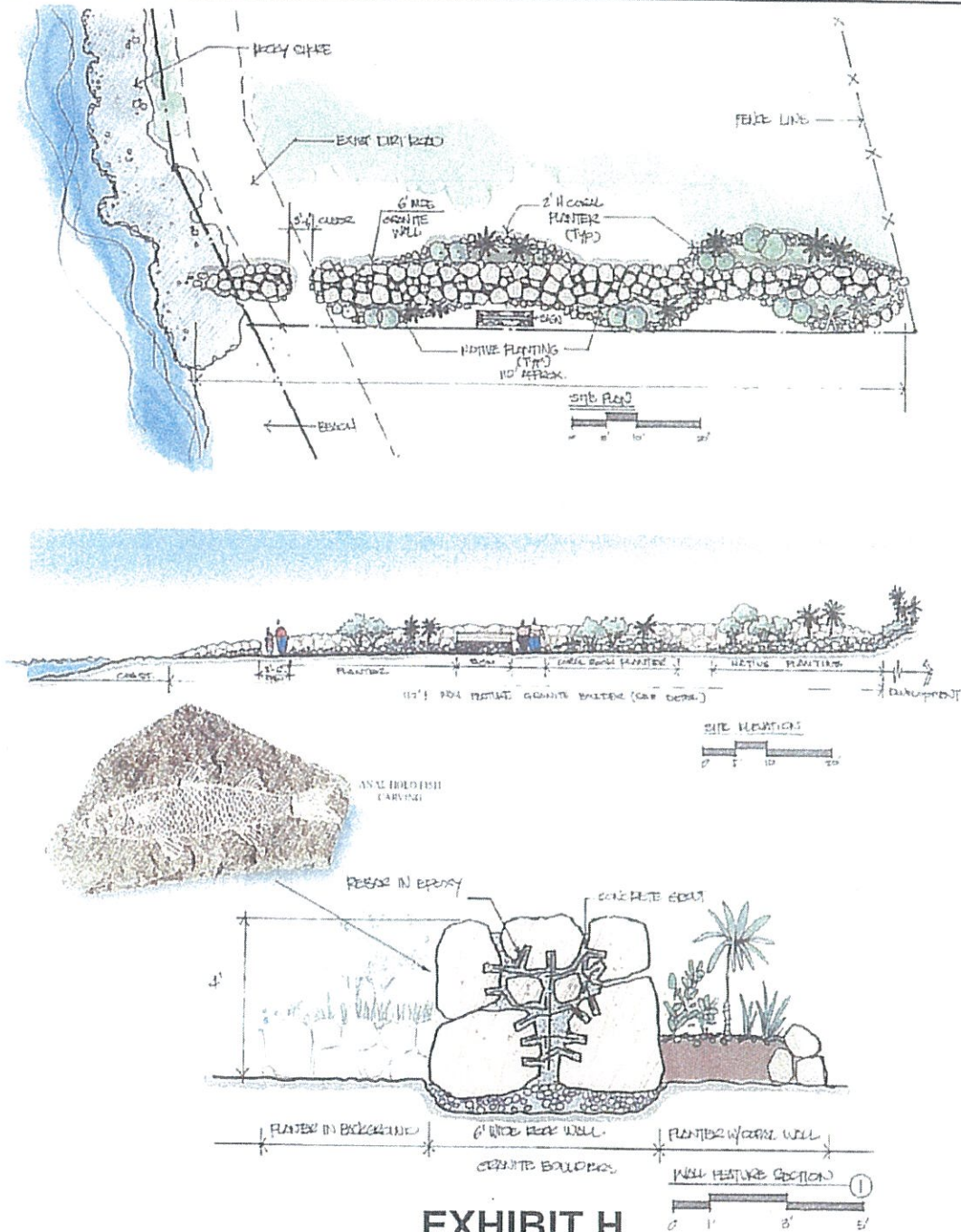


EXHIBIT H

Celebrating the Heritage of the Honouliuli-One'ula Shoreline
Pā 'Āina - Entry Way Monument



FIGURE 7
PĀ 'ĀINA ENTRY WAY MONUMENT WALL CONCEPT
HOAKALEI MASTER PLAN UPDATE SMP/SSV APPLICATION



EXHIBIT I

MAP SHOWING SHORELINE

FRONTING LOT 11729 AS SHOWN ON LAND COURT APPLICATION 1069 (MAP 846)
AND LOT 5 DOCUMENT NUMBER A-46370706 BEING PORTION OF ROYAL PATENT 6971, LAND COMMISSION AWARD 11216
APANA 8 TO M. KEKAUONOHI AND ALL OF GRANT 30 APANA 8 TO THE BOARD OF EDUCATION,
AT HONOLULU, EWA, OAHU, HAWAII

MAY 1, 1994
GRAPHIC SCALE 1:60

MAP SHOWING SHORELINE

[illegible]



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RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT
AND SHORELINE SETBACK VARIANCE FOR
EWA MARINA

WHEREAS, the Department of Land Utilization (DLU) on July 20, 1993, accepted the application of HASEKO (Ewa), Inc., herein referred to as the Applicant, for a Special Management Area Use Permit (SMP) and Shoreline Setback Variance (SV) to develop a master-planned marina, including a 120-acre marina, commercial and marina support facilities, and residential community, located at Ewa, Oahu; Reference Number 93/SMA-28 and 93/SV-3; and

WHEREAS, the entire proposed Ewa Marina Community Development encompasses approximately 1,110 acres of land (Ewa Marina) and the portion of Ewa Marina within the City and County of Honolulu's Special Management Area (SMA) boundary is identified as Tax Map Key 9-1-11: 1 through 7; 9-1-12: 2, 3, portions of 5, 6, 8, 9, 11, 12, parcels 13, 16, 17 and a portion of 23 (Project); and

WHEREAS, on August 16, 1993, the DLU held a public hearing which was attended by six representatives of the Applicant; and approximately 19 individuals from the community; and

WHEREAS, on August 31, 1993, within ten (10) working days after the close of the public hearing, the DLU, having duly considered all evidence and reports of said public hearing and the review guidelines as established in Chapter 25 and 23, Revised Ordinances of Honolulu 1990 (ROH), transmitted a report and recommendation to the Council; and

WHEREAS, the City Council having received the findings and recommendation of DLU on August 31, 1993, and at its meeting of December 1, 1993, having duly considered all of the findings and reports on the matter, approved the subject application for an SMP and a SV with the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that an SMP and SV be issued to the Applicant under the following conditions:

- A. Prior to implementation of the Project, the Applicant must meet the requirements and obtain approval of all government agencies normally required for such projects.

EXHIBIT K
(1 of 6)

OCS01154.R93

2

FOLDER NOS.: 2015/SMA-12 & 2015/SV-2

RESOLUTION

- B. The Applicant shall comply with provisions of the Unilateral Agreement (the U/A) executed in conjunction with and attached as Exhibit B to the zone change for Ewa Marina (Bill 99 (1993), as amended), which apply to the protection and enhancement of coastal resources as identified in Chapter 205A, Hawaii Revised Statutes, and Chapters 23 and 25, Revised Ordinances of Honolulu.
- C. Prior to submitting applications for subdivision or grading permits for any portion of the Project and except as otherwise provided in the U/A, the Applicant shall submit an Urban Design Plan to the DLU for review and approval. The Urban Design Plan shall:
- identify the location of public parks, public pedestrian ways, public access, public recreational facilities, including but not limited to parking areas, boat ramps and slips, and restrooms.
 - include guidelines to be followed in the design of the Project and address the issues of parks, treatment of archaeological sites approved for preservation, setbacks, bulk, orientation of structures, pedestrian access and pedestrian path systems.
 - give special attention to the relationship of the Ewa Marina project to the existing Ewa Beach community, including but not limited to the relationship to Fort Weaver Road and the commercial districts of Ewa Beach, the placement of major parks and other public facilities to maximize benefit to both future and existing communities and shall recognize that the conveyance by the Applicant of the "Adjacent Land" (as defined in the U/A) to the City for open space including a public park is in furtherance of the guidelines set forth in the Ewa Development Plan, Special Provisions for Ewa Marina.
 - commit to the location of a pedestrian pathway system which will connect the Oneula Beach Park with the marina entrance and which will be open to the public. The plans, conditions and locations proposed shall be acceptable to the Department of

-2-

EXHIBIT K
(2 of 6)

FOLDER NOS.: 2015/SMA-12 & 2015/SV-2

RESOLUTION

Parks and Recreation and shall be in compliance with the Urban Design Plan as determined by the Department of Land Utilization.

- be consistent with the Development Plan Special Provisions for Ewa. The plans for public parks which are used to satisfy the requirements of the park dedication ordinance shall be reviewed by the Department of Parks and Recreation to determine compliance with the park dedication requirements and such plans shall be in compliance with the Urban Design Plan as determined by the Department of Land Utilization. Public amenities such as public parking and restrooms shall be provided as needed to carry out these provisions.
- D. Except as otherwise provided in the U/A, the Applicant shall dedicate a public access to the beach Diamond Head of Oneula Beach Park, but not closer than 600 feet to the Park. Public parking shall be provided for this access, and shall be in accordance with plans to be reviewed and approved by the Department of Parks and Recreation and the Department of Land Utilization.
- E. The Applicant shall comply with stipulations contained in Section 106, National Historic Preservation Act, Memorandum of Agreement, entered into by the U.S. Army Corps of Engineers, Office of Hawaiian Affairs, State Historic Preservation Office, the Advisory Council on Historic Preservation and the Applicant. The Applicant shall immediately stop work and contact the Historic Preservation Office for review and approval of mitigation measures should any previously unidentified archaeological resources such as artifacts, shell, bone, or charcoal deposits, human burial, rock or coral alignments, pavings or walls be encountered during the Project's development.
- F. On each anniversary date of adoption of this resolution, the Applicant shall submit an annual progress report as to the status of SMP conditions to the Department of Land Utilization.
- G. Construction shall be in the general conformity with the plans on file with the Department of Land Utilization and in accordance with the Land Use

-3-

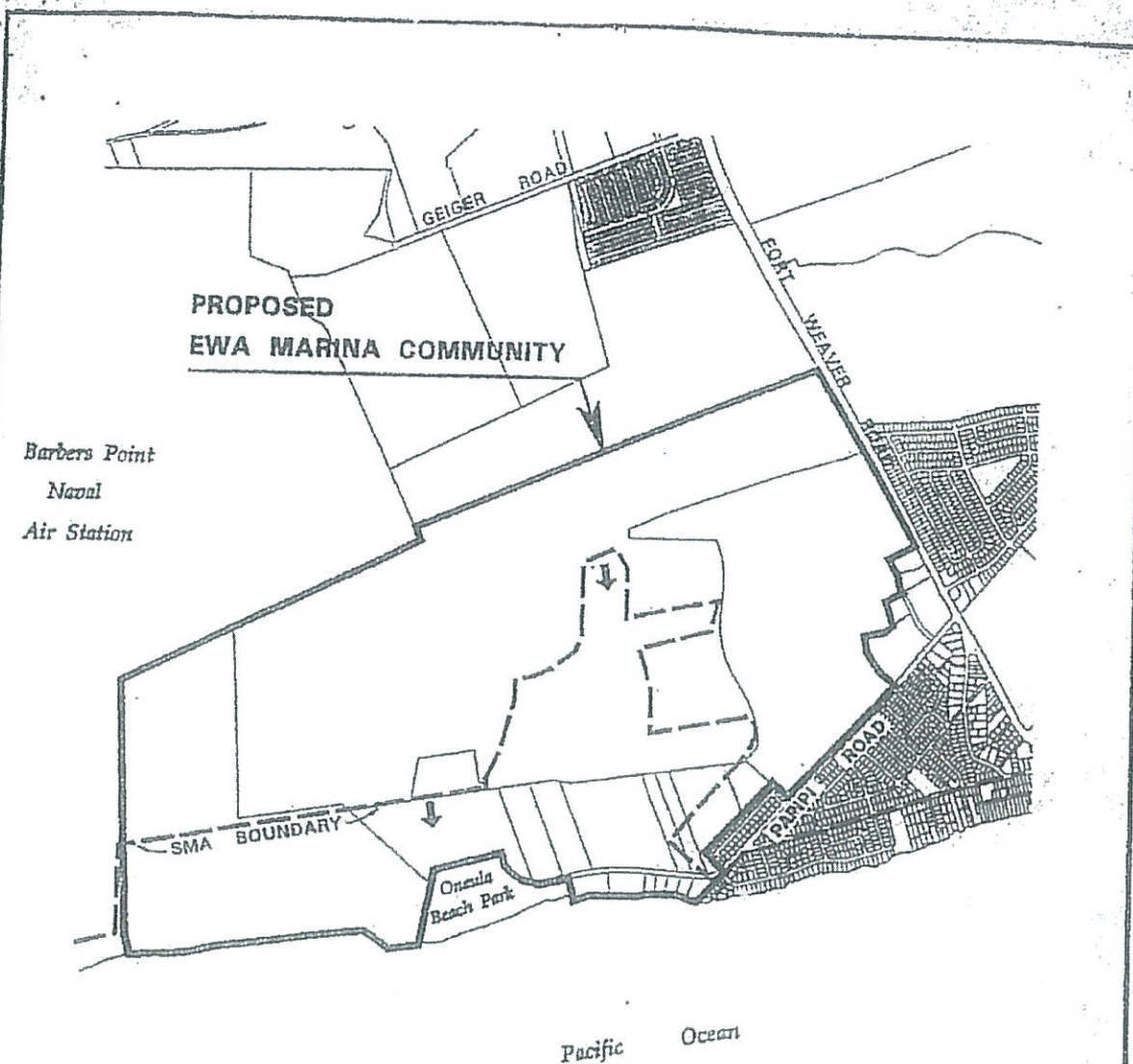
EXHIBIT K
(3 of 6)

FOLDER NOS.: 2015/SMA-12 & 2015/SV-2

RESOLUTION

Ordinance. Any change in the size or nature of the Project which has a significant effect on coastal resources addressed in Chapter 25, ROH, and Chapter 205A, HRS, shall require a new application. Any change which does not have a significant effect on coastal resources shall be considered a minor modification and therefore permitted under this resolution, upon review and approval of the Director of Land Utilization.

- H. Failure to fulfill any conditions of this permit shall be grounds to initiate revocation procedures.
- I. The Special Management Area Use Permit and Shoreline Setback Variance issued pursuant to the adoption of this resolution shall not become effective until Bill 99 (1993), either in its original or any amended version, has been enacted into law and has taken effect.



NOTE: The SMA boundary for Ewa Marina shall be generally as shown but no less than 100 feet inland from the water's edge of the marina.

EXHIBIT K
(6 of 6)

<p>VICINITY MAP</p> <p>0 2000 4000</p> <p>Scale in Feet</p>	<p>LOCATION MAP</p> <p>EWA</p> <p>TAX MAP KEY: 8-1-11: 1 through 7; 8-1-12: 2, 3, por.5, por. 6, por. 8, por. 9, por. 12, 13, 16, 17 and por. 23</p> <p>FOLDER NO.: 93/SMA-28 93/SV-003</p> <p>EXHIBIT A</p>
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Prepared By: Department of Land Utilization
City and County of Honolulu
Date Prepared: July 1993

FOLDER NOS.: 2015/SMA-12 & 2015/SV-2

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

RESOLUTION 16-180

Introduced: 07/14/16 By: TREVOR OZAWA


Committee: ZONING AND
PLANNING

Title: RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT AND SHORELINE SETBACK
VARIANCE FOR THE HOAKALEI MASTER PLAN UPDATE IMPROVEMENTS PROJECT.

Voting Legend: * = Aye w/Reservations

07/14/16	INTRO	THIS RESOLUTION IS A REINTRODUCTION OF RESOLUTION <u>15-206</u> WHICH WILL BE FILED ON JULY 17, 2016 PURSUANT TO ROH SECTION 1-2.5 WHICH SETS A ONE YEAR FILING PERIOD ON PENDING RESOLUTIONS.
08/03/16	COUNCIL	<u>M-1911</u> – APPROVED 120-DAY EXTENSION OF TIME. (DEADLINE: 08/24/16 + 120 DAYS) 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
09/06/16	SPECIAL ZONING AND PLANNING	CR-310 - RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
10/05/16	COUNCIL	CR-310 AND RESOLUTION 16-180 WERE ADOPTED. 8 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR*, OZAWA, PINE*. 1 NO: ANDERSON.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER